

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7432 of 2020**

- Paskal Kujur S/o Sukru Kujur Aged About 45 Years R/o Navapara, Shankargarh, Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Shankargarh, Dist. Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	Mr. Rakesh Kumar Jha, Advocate
For Respondent /State	Mr. Alok Bakshi, Additional Advocates General
For Informant	Mr. Vikas Pandey, Advocate

SB: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****3/12/2020**

1. Heard.
2. This is the second application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant. The first bail application was dismissed, as withdrawn, however, a statement was made by learned counsel for the applicant at the time of admission of this second bail application that the earlier bail application was wrongly withdrawn. Thus, the present bail application was admitted for hearing.

3. The applicant has been arrested in connection with Crime No.45/2020 registered at Police Station Shankargarh, District Balrampur-Ramanujganj for the offence punishable under Section 376 (2)(n) of the IPC and Sections 4 & 6 of the Protection of Children From Sexual Offences Act.
4. The applicant has committed forcible sexual intercourse with the prosecutrix for a period of about 2 years on promise to marry. In the FIR lodged by Sukhdev Pahadi, brother of the prosecutrix (informant), on 2.5.2020, he would submit that the applicant has committed sexual intercourse with his sister on promise to marry, for which, she is carrying pregnancy of about 9 months. In her statement recorded under Section 164 of Cr.PC, the prosecutrix has stated that their relationship continued for about 2 years and she gave birth to a baby boy, who died soon after birth. In the *Dakhil-Kharij* register of the Primary School, the date of birth of the prosecutrix is 9.2.2003 making her less than 18 years of age, however, the applicant's counsel has seriously disputed this date of birth by referring to the relevant entry of the *Aaganbadi Kendra* Register, wherein, her date of birth is of the year 1998.
5. In the course of hearing, Mr. Vikas Pandey, learned counsel appearing for informant Sukhdeo Pahadi, would submit that they have no objection if the applicant is released on bail.
6. In view of the delay in lodging of the FIR and the statement of the prosecutrix as also discrepancy in respect of her date of

birth, I am inclined to release the applicant on regular bail.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

8. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

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